

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

CERTIFIED POWER SYSTEMS, INC.

v.

CA 05-066ML

RHODE ISLAND STATE ENERGY
STATUTORY TRUST 2000,
FPLE RHODE ISLAND STATE
ENERGY, L.P. AND FPLE RHODE
ISLAND STATE ENERGY GP, INC.

v.

CERTIFIED POWER SYSTEMS, INC.

v.

ZAMPELL REFRACTORIES, INC.

v.

SARGENT & LUNDY, LLC and PREMIER
ENGINEERING SERVICES, INC.

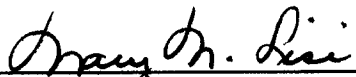
MEMORANDUM AND ORDER

Plaintiff has filed a Motion pursuant to Fed. R. Civ. P. 42(b) to sever the fourth-party complaints so that trial on Plaintiff's claims as to Defendants Rhode Island State Energy Statutory Trust 2000, FPLE Rhode Island State Energy, L.P. and FPLE Rhode Island State Energy GP, Inc. may proceed. Plaintiff avers that any delay in the trial of this matter will be detrimental to Plaintiff because of Plaintiff's precarious financial condition. Third-party Defendant and Fourth-party Plaintiff Zampell Refractories, Inc. (Zampell) objects.

Fed. R. Civ. P. 42(b) provides that a trial court "may order a separate trial of any

claim, cross-claim, counter-claim, or third-party claim . . . in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy . . .” This Court is not convinced that ordering a separate trial on Zampell’s claims against Sargent & Lundy and Premier Engineering Services, Inc. would expedite resolution of all claims in this case. This Court is well aware of Plaintiff’s concerns and, with those concerns in mind, has ordered an accelerated discovery and trial schedule. This matter will be handled more efficiently with all parties participating. Accordingly, Plaintiff’s Motion to Sever is DENIED.

SO ORDERED:



Mary M. Lisi
United States District Judge
January 27, 2006